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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CASE NO. 2:99-CR-00270-WBS
	)	
Plaintiff,	)	
	)	STIPULATION AND [PROPOSED]
v.	)	ORDER
	)	
FRANCISCO ACOSTA ASTORGA	)	
	)	
Defendant and Movant.	)	

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IT IS HEREBY STIPULATED between the Defendant, Francisco Acosta Astorga, through his counsel Clyde M. Blackmon and James F. Smith, and the United States of America, through its counsel Assistant United States Attorney Mary Grad, that the defendant will waive the attorney-client privilege as to communications with his previous attorneys, James Todd Bennett and Daniel Schultz, only to the extent necessary for litigating the defendant's claim of ineffective assistance of counsel.

All information obtained by the government pursuant to its motion to discover documents and take depositions, as well as the testimony of James Todd Bennett, Daniel Schultz and petitioner, shall be deemed to be confidential. These documents, depositions and

1 testimony may be used only by representatives from the Office of the  
2 United States Attorney for the Eastern District of California and  
3 only for the purpose of litigating the claims presented in the motion  
4 to vacate pending before this Court. Disclosure of the contents of  
5 the documents, depositions or testimony may not be made to any other  
6 persons or agencies, including any other law enforcement or  
7 prosecutorial personnel or agencies, without an order from the Court.

8 The preclusion of the use of information contained in documents,  
9 depositions or testimony shall continue in effect after the  
10 conclusion of the proceedings now pending in this Court and  
11 specifically shall apply in the event of a retrial of all or any  
12 portion of petitioner's criminal case, except that either party  
13 maintains the right to request modification or vacation of the order  
14 upon entry of final judgment in this matter.

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16 LAWRENCE G. BROWN  
United States Attorney

17 Date: October 13, 2009

\_\_\_\_\_/s/\_Mary L. Grad\_\_\_\_\_  
By: MARY L. GRAD  
Assistant United States Attorney

19  
20 BLACKMON & ASSOCIATES  
Attorneys for Defendant F. A. Astorga

21 Date: October 13, 2009

\_\_\_\_\_/s/\_Clyde M. Blackmon\_\_\_\_\_  
By: CLYDE M. BLACKMON

**ORDER**


GOOD CAUSE APPEARING, PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED THAT all information obtained by the government pursuant to its motion to discover documents and take depositions, as well as the testimony of trial counsel and petitioner, shall be deemed to be confidential. These documents, depositions and testimony may be used only by representatives from the Office of the United States Attorney for the Eastern District of California and only for the purpose of litigating the claims presented in the motion to vacate pending before this Court. Disclosure of the contents of the documents, depositions or testimony may not be made to any other persons or agencies, including any other law enforcement or prosecutorial personnel or agencies, without an order from this Court.

The preclusion of the use of information contained in documents, depositions or testimony shall continue in effect after the conclusion of the proceedings now pending in this Court and specifically shall apply in the event of a retrial of all or any portion of petitioner's criminal case, except that either party maintains the right to request modification or vacation of the order upon entry of final judgment in this matter.

Nothing in this Order shall be construed to prevent or restrict any party to this action from presenting any evidence, from whatever source obtained, to the court. Any evidence submitted to the court in connection with this proceeding, including the testimony of witnesses and all exhibits submitted at the hearing on defendant's pending motion, shall be a matter of public record and open to public inspection unless otherwise specifically ordered by this court.

IT IS SO ORDERED.

DATED: October 14, 2009

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE